



Antigua and Barbuda

Country Reports on Human Rights Practices - [2004](#)

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Antigua and Barbuda is a multiparty, parliamentary democracy governed by a prime minister, a cabinet, and a bicameral legislative assembly. A governor general, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. In March parliamentary elections, which observers described as generally free and fair, the United Progressive Party (UPP) defeated Prime Minister Lester Bird's Antigua Labour Party (ALP), which had controlled the Government and Parliament continuously since 1976. Since taking office, Prime Minister Baldwin Spencer has passed important reform legislation improving government accountability and transparency. The judiciary is independent.

Security forces consist of a police force and the small Antigua and Barbuda Defense Force. The security forces are responsible for law enforcement, and civilian authorities maintained effective control of them. Some members of the security forces committed human rights abuses.

The country had a mixed economy with a strong private sector. The population was approximately 76,000. Tourism and financial services were the most important source of foreign exchange earnings. The Government was the largest employer, with approximately 13,000 workers. The government's large debt was a serious problem. Real economic growth was projected to be 4 percent for the year. The Labor Commission estimated that the unemployment rate was 11 to 13 percent at year's end.

The Government generally respected the human rights of its citizens; however, problems remained in a few areas. There were allegations of police brutality. Prison conditions were poor, and there were allegations of abuse of prison inmates and sexual harassment of female prison guards. Societal discrimination and violence against women continued to be problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The inquest into the November 2003 police killing of escaped convict Frederick Martin James continued at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities generally respected these prohibitions in practice; however, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

There were no developments in the investigation of the October 2003 police shooting of bystander Khary Roberts.

Prison conditions were poor. At year's end, the prison held 183 prisoners (154 men and 14 women) in a facility designed to hold 182. Prison conditions were inadequate, particularly recreation and rehabilitation facilities. The prison did not have toilet facilities, and slop pails were used in all 122 cells. The Rehabilitation Center for prisoners found guilty of committing minor crimes held an additional eight male prisoners at the end of the year. During the year, a school for juvenile offenders was established offering classes in crafts, computers, and auto repair, and 11 juveniles were enrolled at year's end.

Female prisoners were held in a separate section and were not subject to the same problems encountered in the men's prison. Juveniles were held separately from adult inmates.

Pretrial detainees were held separately from convicted prisoners.

The Government permitted prison visits by independent human rights observers, and such monitoring occurred during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The 571-person police force is headed by a Police Commissioner, and included 32 senior officers and 28 inspectors. The Police Welfare Association advocated additional training for the police, particularly management training for senior officers, and two officers received such training.

Police are permitted to arrest without warrant persons suspected of committing a crime. Criminal defendants have the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. UPP assertions of violations were curbed following the March elections. Criminal detainees were allowed prompt access to counsel and family members.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The first level of court is the magistrate, followed by the Court of Appeals and the Supreme Court. The Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. Trials are by jury. Defendants enjoyed a presumption of innocence. In capital cases only, the Government provided legal assistance at public expense to persons without the means to retain a private attorney. Courts may reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these provisions in practice and did not restrict academic freedom. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion. However, early in the year, the then-opposition UPP alleged that the Government restricted access to electronic media, effectively denying them equal coverage.

The Government owned one of the four general-interest radio stations and the single television station. One of the former Prime Minister's brothers owned a second radio station, and another brother was the principal owner of the sole cable television company. The government-controlled media reported regularly on the activities of the Government and the then-ruling ALP party. After the March election, the government media became less politicized.

In October, the Bird family-owned radio station ZDK was taken off the air briefly for not paying its overdue electricity bill of \$49,000 (\$132,000 EC). The ALP complained that the station was taken off the air for politically motivated reasons.

Prior to the March national election, the Government restricted opposition access to the media, and there were allegations of censorship as the result of subtle coercive pressure by influential persons. For example, owners of the independent Observer radio station claimed that several large corporations declined to advertise on the station for fear of losing lucrative government contracts. In addition, the former Government cited violations of the Telecommunications Act to revoke the owners' license to operate satellite transmission equipment and seized the equipment. At year's end, the matter was still before the courts, and the equipment had not been returned.

The media was highly politicized, and most media outlets supported one of the political parties. The editorial and news focus of the mainstream daily Antigua Sun was influenced by a foreign owner who has major investments in the country and wields considerable political influence. During the year, the new Government took steps to de-politicize the government-owned media.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not use it in practice.

Although the country is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not established a system for providing protection to refugees or asylum seekers. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not routinely grant refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years. The Governor General appoints senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition.

In March elections, the opposition UPP won 12 of 17 seats in the House of Representatives and 55 percent of the popular vote. UPP leader Baldwin Spencer was sworn in as Prime Minister on March 24, replacing Lester Bird, whose ALP had held power continuously since 1976. Members of the Commonwealth observer group reported that the elections were free and fair.

High-level corruption was a problem, particularly concerning the former ALP Government. Numerous high profile corruption investigations began during the year. These investigations hindered the new Government because the losing ALP party stripped many government offices of key files and documents. During the year, the Spencer Administration implemented an aggressive anti-corruption program and passed legislation concerning anti-corruption and ethics.

During the year, the Spencer Administration passed legislation on government transparency to provide access to government information.

The Directorate of Gender Affairs participated in workshops to encourage women to become active in politics. There was 1 woman elected to the 17-seat House of Representatives; there were 2 women appointed to the 17-seat Senate. In addition, the Speaker of the House of Representatives and the President of the Senate, both appointed positions, were women. There were no women in the cabinet, although two women served as Ministers of State.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these provisions in practice.

Women

Violence against women was a matter of public concern, and nongovernmental social welfare groups focused on the problem. Many women were reluctant to testify against their abusers. A 1999 Domestic Violence Act prohibits and provides penalties for domestic violence, rape, and other sexual offenses. Organizations such as the Government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs operated a domestic violence program that included training for police officers, magistrates, and judges. The Directorate also ran a domestic abuse hotline and worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children. There were a number of active NGOs that addressed issues affecting women.

Prostitution is prohibited, but it remained a problem. There were a number of brothels, staffed mostly by women from the Dominican Republic, which catered primarily to the local population.

Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector; 54 percent of the public service and over half the permanent secretaries--the most senior positions--were female. In addition, 41 percent of bar association members were female.

The Professional Organization for Women of Antigua was a networking and resource group for female executives. It held seminars for women entering the workforce during the year.

Children

While the Government repeatedly expressed its commitment to children's rights, its efforts to protect those rights in practice were limited. The Government provided free, compulsory, and universal education for children through the age of 16. However, schools faced many shortages, and parents typically provided desks and chairs. Although shared textbooks were provided, parents often purchased books; parents also provided uniforms. More than 95 percent of school-age children attended school, and most children achieved a secondary education.

Boys and girls had equal access to health care and other public services.

Child abuse remained a problem. Police estimated that there were approximately 20 cases of child sexual abuse reported during the year, of which less than 5 involved incest. There were no new developments and none were expected in the 2001 child pornography and prostitution ring involving several high-ranking members of society.

Trafficking in Persons

There are no laws that specifically address trafficking in persons. Although there were no reports that persons were trafficked to, from, or within the country, a task force evaluating the passport office determined that passports could be fraudulently obtained, raising the possibility that fraudulent passports could be used to facilitate migrant smuggling or trafficking in persons.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although the Government did not enforce constitutional anti-discrimination provisions. No specific laws mandate accessibility for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Approximately 75 percent of workers belong to a union; the hotel industry was heavily unionized. During the year, there were reports that the owner of Caribbean Star Airlines, based in the country, threatened to shut down the airline after some employees began to organize a union, effectively putting a stop to the effort.

b. The Right to Organize and Bargain Collectively

Labor organizations were free to organize and bargain collectively. The Labor Code applied equally to workers in the country's free trade zones.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are then prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition, an injunction may be issued against a legal strike when the national interest is threatened or affected. The International Labor Organization's Committee of Experts repeatedly requested the Government to amend certain paragraphs of the Industrial Courts Act and the extensive list of essential services in the Labor Code, asserting that these provisions prohibit the right to strike.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition, persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The Labor Commissioner's office also had an Inspectorate that investigated exploitative child labor matters.

e. Acceptable Conditions of Work

The Labor Code provides that the Minister of Labor may issue orders, which have the force of law, to establish a minimum wage. In 2002, upon recommendation from a tripartite committee of representatives from employers, employees, and government, the Minister of Labor set the minimum wage at \$2.22 (EC\$6.00) an hour for all categories of labor. The minimum wage provided a barely adequate standard of living for a worker and family, and in practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek was 40 hours in 5 days. Laws provide for overtime work in excess of the standard workweek; excessive overtime is not prohibited. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services continue to pay 60 percent of wages for an additional 7 weeks.

Although the Government has not yet developed occupational health and safety laws or regulations, a section of the Labor Code includes some provisions regarding occupational safety and health. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.